

quinn emanuel trial lawyers



January 21, 2015

VIA ECF

Honorable Jesse M. Furman
U.S. District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Centre Street, Room 2202
New York, NY 10007

Re: *Alaska Electrical Pension Fund v. Bank of America Corp.*, 14 Civ. 7126 (JMF);
The County of Beaver v. Bank of America Corp., 14 Civ. 7907 (JMF);
Magnolia Regional Health Center v. Bank of America Corp., 14 Civ. 8342 (JMF);
Genesee County Employees' Ret. System v. Bank of America Corp., 14 Civ. 8365 (JMF);
County of Montgomery, Pennsylvania v. ICAP, plc, 14 Civ. 8576 (UA)

Dear Judge Furman:

We are lead counsel to the putative class and write respectfully to request amendment of the existing schedule. Defendants consent to this request, and no prior requests for an amendment of the present scheduling order have been made.

Pursuant to the date set in the stipulation and order entered October 14, 2014, Defendants moved to dismiss the operative complaint on December 12, 2014. According to that order, Plaintiffs' deadline to file an opposition to the motion or submit an amended complaint is January 23, 2015, and Defendants' deadline to file any reply to Plaintiffs' opposition is February 25, 2015. Order (Oct. 14, 2014) at 3. Dkt. 95. Pursuant to the Court's December 15, 2014 order, Plaintiffs intend to file a consolidated amended complaint in response to Defendants' motion

Plaintiffs respectfully request that the deadline to submit the amended complaint be extended 20 days, to February 12, 2015. Defendants have consented to this extension, and respectfully request that their new date to move to dismiss the amended complaint be set sixty days from filing, which is April 13, 2015. Plaintiffs' propose to submit an opposition to Defendants' motion to dismiss 45 days later, on May 28, 2015. Defendants propose to submit a reply 33 days after that, on July 1, 2015.

Plaintiffs seek this brief extension to finalize their amended complaint because they have been doing extensive work on the pleading in response to the motion to dismiss. This work includes significant expert analysis of the market and transaction data to demonstrate collusion in the setting of the ISDAfix benchmark, and the effects of that collusion on transactions entered into by the Plaintiffs. Because Plaintiffs received the motion to dismiss shortly before Christmas, some of that work was delayed during the holiday season.

While no prior requests have been made to extend the dates in the October 14 order, the Parties have previously stipulated to a change of the deadline for Defendants to move to dismiss the then-operative complaint. Order (Sept. 29, 2014) at 2. Dkt. 45. Order (Oct. 14, 2014) at 2. Dkt. 95. The Parties do not currently have a date scheduled to next appear before the Court.

For the reasons set forth above, Plaintiffs respectfully request that the Court adjourn the dates in the October 14 order. Plaintiffs will then file their amended complaint on February 12, 2015.

Respectfully submitted,

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cc: All counsel (via ECF)